

**PUBLIC SAFETY DEPARTMENT[661]**

**Adopted and Filed**

**Rule making related to the statewide sobriety and drug monitoring program**

The Department of Public Safety hereby amends Chapter 159, “Statewide Sobriety and Drug Monitoring Program,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is adopted under the authority provided in Iowa Code section 901D.4.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code chapter 901D and 2020 Iowa Acts, House File 2411.

*Purpose and Summary*

These amendments update Chapter 159 to reflect the revisions made to the Statewide Sobriety and Drug Monitoring Program by 2020 Iowa Acts, House File 2411. This legislation eliminated the provision that a person who has been ordered to participate in the Statewide Sobriety and Drug Monitoring Program by a court, and whose driver’s license has been suspended or revoked, be eligible for a temporary restricted license before beginning participation in the program or being subject to the testing required by the program. The legislation also eliminated the requirement that a person install an approved ignition interlock device on each of the vehicles owned or operated by that person in order to participate in the program.

*Public Comment and Changes to Rule Making*

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on April 21, 2021, as **ARC 5558C**. A public hearing was held on May 11, 2021. No one attended the public hearing. No public comments were received. No changes from the Notice have been made.

*Adoption of Rule Making*

This rule making was adopted by the Department on May 28, 2021.

*Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa.

*Jobs Impact*

After analysis and review of this rule making, no impact on jobs has been found.

*Waivers*

Pursuant to the provisions of rule 661—10.222(17A), the Department does not have authority to waive requirements established by statute. Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to the provisions of rule 661—10.222(17A).

*Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

*Effective Date*

This rule making will become effective on July 21, 2021.

The following rule-making action is adopted:

Amend subrule 159.12(1) as follows:

**159.12(1) Requirements.** A person subject to testing in the 24/7 program is required to do all of the following:

- a.* and *b.* No change.
- c.* Participate in the 24/7 program when ordered as a condition of bond, pretrial release, sentence, probation, or parole, ~~or a temporary restricted license.~~
- d.* and *e.* No change.
- f.* ~~Install~~ Unless otherwise ordered by the court, install an approved ignition interlock device on all motor vehicles owned or operated by the person if the person's driver's license is suspended or revoked or as is otherwise required by Iowa Code section 321J.17, and in any circumstance in which Iowa Code chapter 321J requires the installation of an ignition interlock device, ~~or as ordered by the court pursuant to Iowa Code section 901D.3(2) "b."~~
- g.* and *h.* No change.

[Filed 5/28/21, effective 7/21/21]

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 6/16/21.